



MOBILE FOOD ESTABLISHMENTS AT CONSTRUCTION SITES

The Health Inspection Division requires a Mobile Food Establishment (MFE) to be in compliance with state laws from the Texas Department of State Health Services. **Food can not be prepared at home and sold to workers at construction sites.** For requirements see the MFE Application for Permit, MFE Documentation Required and MFE state laws in the Texas Food Establishment Rules (TFER). Failure to comply can result in a Citation to Municipal Court. It is the responsibility of the vendor to be in compliance with city ordinance. A MFE vendor must also obtain approval and an Itinerant Vendor, Merchant, Peddler Permit from the City of Huntsville, Building Official. For more information call 936/294-5717.

MOBILE FOOD UNIT & PERMANENT ESTABLISHMENT

When applying for a "Mobile Food Unit Permit" it is important to understand when a mobile food unit becomes a permanent establishment. If your unit connects to the City's sewer service directly or indirectly and your electrical power is connected directly (without an approved plug-in connection) to an electrical metered source, your unit is then classified as a permanent food establishment. If your unit's waste water is self-contained and the source of electrical power is from a generator or an approved plug-in to an electrical metered service, your unit is then classified as a "mobile food unit".

The following represents the basic requirements for a "mobile food unit" and a "permanent establishment":

Mobile Food Unit:

- Mobile Food Unit Permit must be obtained
- Itinerant Vender, Merchant, Peddler Permit must be obtained
- Self-contained waste must be discharged in an approved receptacle outside the city limits of Huntsville.
- Water may be obtained from the water service on the property the mobile unit is located if the source of water is protected by an approved backflow protection assembly or an approved air gap.

Permanent Establishment (restaurant):

- Health Permit must be obtained prior to opening to the public
- Certificate of Compliance and a Building permit must be obtained prior to moving or constructing restaurant on the proposed property.
- Plumbing system within the establishment must comply with the 2003 edition of the International Plumbing Code and Huntsville amendments and be permanently connected to the public water and sewer services. Please note that the sewer connection must be a separate connection than that of any other building(s) on the property.
- Plumbing within the food unit must be permitted and installed by a plumber appropriately licensed by the State of Texas. The plumbing must also be approved by the City of Huntsville building inspector.
- Electrical within the food unit must comply with the 2005 edition of the National Electrical Code and Huntsville amendments and be permanently connected to a separate metered power source or from

the permanent power source of an existing electrical service on the property. This connecting must not be made by a plug-in connection.

- The electrical system within the restaurant must be permitted and installed by an electrician that is appropriately licensed by the State of Texas. The electrical system must also be approved by the City of Huntsville building inspector.
- The construction of the food unit must comply with the 2003 edition of the International Building Code and the 2003 International Energy Conservation Code if the unit is equipped with central air.
- The restaurant must also comply with the Texas Accessibility Standards and any other applicable State requirements.
- To obtain the required permits the following must be submitted for review:
 - * Development and Building Permit Applications
 - * 3 copies of a site plan that indicates the property lines, parking, existing buildings, any easements that may exist on the property, and the proposed location of the food unit
 - * 2 copies of a floor plan of the food unit.
- Size and construction type of the food unit may indicate the need for additional construction documents.

TFER MOBILE FOOD ESTABLISHMENTS

229.169. Mobile Food Establishments.

(a) Mobile food establishment provisions.

(1) General. Mobile food establishments shall comply with the requirements of these rules, except as otherwise provided in this paragraph and in paragraph (2) of this subsection. The regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the food establishment as a mobile operation, may prohibit the sale of some or all potentially hazardous food, and when no health hazard will result; may waive or modify requirements of this rule relating to physical facilities, except those requirements as specified in paragraphs (5) and (6) of this subsection; subsection (c)(1)(A)-(E) of this section and 229.164(k)-(o) of this title (relating to Food). The regulatory authority may require a mobile food establishment operator to demonstrate that the vehicle is readily moveable.

(2) Restricted operation. Mobile food establishments that serve only food that is prepared, packaged in individual servings, transported and stored under conditions meeting the requirements of these sections, or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with the requirements of these rules pertaining to the necessity of water and sewage systems nor to those requirements pertaining to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at its central preparation facility.

(3) Single-service articles. Mobile food establishments shall provide only single service articles for use by the consumer.

(4) Existing refrigeration equipment. Existing refrigeration equipment will be upgraded to meet the 41 degree Fahrenheit requirement and countertop, under-counter and open top refrigeration units shall be upgraded or replaced, as specified in 229.164(o)(6)(B)(ii) of this title.

(5) Mobile water system materials, design, and operation. Mobile food establishment water systems shall meet the requirements of 229.166(i) (6) of this title (relating to Water, Plumbing, and Waste).

(6) Mobile food establishment tank inlet. A mobile food establishment's water tank inlet shall be:

(A) 19.1 mm (3/4 inch) in inner diameter or less; and

(B) provided with a hose connection of a size or type that will prevent its use for any other service.

(7) Readily moveable. The regulatory authority may prohibit alteration, removal, attachments, placement or change in, under, or upon the mobile food establishment that would prevent or otherwise reduce ready mobility. A regulatory authority may require a mobile food establishment to come, on an annual basis, to a location designated by the regulatory authority as proof that the mobile food establishments that violate this section go for re-inspections to a location designated by the regulatory authority.

(8) Sewage, other liquid waste, and rainwater.

(A) Water retention. If liquid waste results from operation of a mobile food establishment, the waste shall be stored in a permanently installed retention tank.

(B) Capacity and drainage. A sewage holding tank in a mobile food establishment shall be:

- (i) sized at least 15% larger in capacity than the water supply tank;
- and
- (ii) sloped to a drain that is 25 millimeters (1 inch) in inner diameter or greater, equipped with a shut-off valve.

(C) All connections on the vehicle for servicing the mobile food establishment waste disposal facilities shall be of a different sized or type than those used for supplying potable water to the mobile food establishment.

(D) Discharge liquid waste shall not be discharged from the retention tank while the mobile food establishment is in motion.

(E) Flushing a waste retention tank. A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner.

(F) Removing mobile food establishment wastes. Sewage and other liquid wastes shall be removed from a mobile food establishment at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created.

(9) Mobile food establishment water and wastewater exemption.

(A) A roadside vendor that sells only prepackaged food is exempt from these rules pertaining to water and wastewater.

(B) A mobile food establishment that prepares food requiring no water for operations and no hand contact with food is exempt from these rules pertaining to water and wastewater if the required cleaning and sanitization equipment exist at its central preparation facility.

(b) Central preparation facility.

(1) Supplies, cleaning, and servicing operations. Mobile food establishments shall operate from a central preparation facility or other fixed food establishment and shall report to such location for supplies and for cleaning and servicing operations.

(2) Construction. The central preparation facility or other fixed food service establishment, used as a base of operation for mobile food establishments, shall be constructed and operated in compliance with the requirements of these rules.

(c) Servicing area and operations.

(1) Protection.

(A) A mobile food establishment servicing area shall be provided and shall include at least overhead protection for any supplying, cleaning, or servicing operation except those areas used only for the loading of water and/or the discharge of sewage and other liquid waste, through the use of a closed system of hoses, need not be provided with overhead protection.

(B) Within this servicing area, a location provided for the flushing and drainage of liquid wastes shall be separate from the location provided for water servicing and for the loading and unloading of food and related supplies.

(C) This servicing area will not be required where only packaged food is placed on the mobile food establishment or where mobile food establishments do not contain waste retention tanks.

(D) The surface of the servicing area shall be constructed of a smooth nonabsorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair, kept clean, and be graded to drain.

(E) Potable water servicing equipment shall be installed in the servicing area according to law and stored and handled in a way that protects the water and equipment from contamination.

(2) Construction exemption. The construction of the walls and ceilings of the servicing area is exempted from the provisions of 229.167(c) (1) of this title (relating to Physical Facilities).